

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**In the Matter of**

**Recommendations of the Independent Panel  
Reviewing the Impact of Hurricane Katrina on  
Communications Networks**

)  
)  
)  
)  
)  
)

**EB Docket No. 06-119**

**To: The Commission**

**COMMENTS OF  
THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.  
AND THE  
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

The International Association of Fire Chiefs, Inc. ("IAFC"), and the International Municipal Signal Association ("IMSA") respectfully submit these comments in response to the Federal Communications Commission's Notice of Proposed Rulemaking ("NPRM") inviting comments on the recommendations of the Commission's Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks ("Independent Panel").<sup>1</sup> As leading representatives of the Fire and Emergency Medical Services ("EMS") communities, IMSA and IAFC welcome this opportunity to share their views with the Commission on the recommendations of the Independent Panel and on their perspectives on first responder communications in times of local, regional or national emergencies of any nature.<sup>2</sup>

---

<sup>1</sup> 71 Fed. Reg. 38564 (July 7, 2006).

<sup>2</sup> See Public Notice inviting those filing comments on the Independent Panel recommendations to address the applicability of those recommendations to all types of natural disasters as well as other types of incidents. 71 Fed. Reg. 43406 (August 1, 2006).

## **STATEMENT OF INTEREST**

IAFC is a voluntary, professional membership society. Its membership, comprised of approximately 13,000 senior Fire Service officials, is dedicated to the protection of life and property throughout the United States and abroad. IAFC, founded in 1873, is the major national professional association representing the interests of senior management in the Fire Service. The Fire Service is the largest provider of emergency response medical services in the United States.

IMSA is a non-profit organization dedicated to the development and use of electric signaling and communication systems in furtherance of public safety. IMSA's 10,000 members include representatives of federal, state, county, city, township and borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to the activities pertaining to electrical engineering, including the public safety use of radio technology.

Together, IMSA and IAFC are recognized by the Commission as one of the four public safety frequency coordinating committees, and have responsibility for the frequencies assigned exclusively for Fire and Emergency Medical Services as well as the Public Safety Pool channels.

## **COMMENTS**

IAFC and IMSA are members of the National Public Safety Telecommunications Council ("NPSTC") and are familiar with the comments NPSTC is filing in this proceeding. IMSA and IAFC endorse and support those comments. These Comments are intended to supplement those of NPSTC based upon the unique role of the Fire and

EMS agencies in being the first public safety agencies on the scene of virtually every non-law enforcement emergency which occurs in this county, and also many law enforcement incidents. The Fire and EMS agencies are the only public safety agencies that reach every community across the nation and are specifically staffed, trained and equipped to respond to all hazards situations.

Applying the lessons learned from the Hurricane Katrina experience to better prepare to respond to the next major disaster entails both actions which can and should be implemented promptly and those which will require a longer term to achieve. The latter includes such actions as wide-spread deployment of 700 MHz public safety systems, and any activity which requires new financial commitments of funds for public safety agencies. In these Comments, IAFC and IMSA focus on how these factors relate to the special circumstances of the Fire and EMS communities.

## **I. Critical Background Information**

In addressing how to plan for public safety agencies to best respond to major emergencies, two elements are crucial: (a) understanding the nature of and resources available to the first responder agencies, and (b) understanding the existing communications networks and capabilities of the first responders. Only with a full understanding of these elements will it be possible to plan for enhancement of communications capabilities.

*a. Nature of the Fire Service.* The Fire Service is comprised of 1.1 million individuals who staff 30,400 career, volunteer, on call and combination career/volunteer/call fire departments throughout the country. 27% of the firefighters are career, and 73 % are volunteer/call. Career firefighters predominantly are employed in

departments that protect a population of 25,000 or more (73%), while 95% of volunteer/call firefighters are in departments that protect fewer than 25,000 people—with more than 50% located in rural departments that protect fewer than 2,500 people. It is estimated that 10% of all departments are comprised of all or mostly career firefighters who protect 61% of the U.S. population, while 90% of all fire departments are all or mostly volunteer or call, responsible to protect 39% of the population.<sup>3</sup>

As the foregoing statistics suggest, the Fire Service is not a homogeneous community. Necessarily, career and volunteer/call departments have much different funding sources and financial structures. Career departments are funded under their city or other governmental entity budgets; and volunteer/call departments may receive a small portion of their budgets from their towns, but also they rely on community-based fund raising events and solicitation of donations. The differing natures of the Fire Service organizations and their personnel and financial resources must be taken into account when addressing capabilities for responding to natural disaster and other major emergency response events inasmuch as not only do the sources of those events not select victim areas based upon their response capabilities, but also the career and volunteer/call, urban and rural, departments do and often must interact through response to an incident affecting a broad area and through mutual aid efforts.

*b. Existing Communications Networks.* Overall, public safety licensees—and Fire and EMS licenses are consistent with the pattern—operate 47% of their communications systems in the VHF frequency band, 30% at UHF, 13% at 800 MHz and 10% in Low Band. Many public safety agencies operate in more than one radio spectrum band;

---

<sup>3</sup> U.S. Fire Department Profile Through 2004, National Fire Protection Association (Sept. 2005).

however, many of the smaller agencies, and particularly the numerous volunteer/call fire departments, rely on a single radio system.

The existing radio communications systems of the public safety community provide a baseline for meeting communications needs for emergency response, at least until a national, uniform system is developed, fully funded, and implemented throughout the United States. SAFECOM, a communications program of the Department of Homeland Security's Office for Interoperability and Compatibility, has undertaken a National Interoperability Baseline Survey to determine the interoperability capabilities among Fire, EMS and law enforcement agencies across the nation. This survey seeks information from more than 22,000 agencies. The results of this survey are expected to be reported in October, 2006.<sup>4</sup> The results of this survey will provide a road map for further development of an interoperability program utilizing existing resources.

## **II. Comments**

The Report and Recommendations of the Independent Panel sets forth a thoughtful and comprehensive evaluation with regard to meeting the public safety community's communications needs relating to natural disaster and other large scale emergency situations. The further suggestions set forth in the comments of NPSTC in this proceeding provide meaningful enhancements to the work of the Independent Panel. IMSA and IAFC offer the following comments on those recommendations of the Independent Panel where it is believed that additional views will be helpful to the Commission.

---

<sup>4</sup> See Press Release at <http://www.safecomprogram.gov/SAFECOM/press/releases/1260.htm> (May 10, 2006).

*1. Pre-positioning for Disasters:* The Independent Panel recommends that the Commission waive application deadlines and other administrative requirements and streamline the STA process.<sup>5</sup> IAFC and IMSA direct the Commission's attention to Section 308(a) of the Communications Act, which authorizes the Commission in cases of emergency where the Commission finds it would not be feasible "... to follow normal licensing procedures" to grant authorizations in such manner as the Commission by regulation may prescribe and without the need to file a formal application. A general rule, at the very least, authorizing public safety agencies to operate on any and all interoperability channels in time of natural or other disaster from any location for purposes of responding to the emergency, and otherwise to operate on frequencies licensed to said agencies from any location, would satisfy this recommendation. In no event should any post-emergency event report go beyond a simple notice that the public safety agency has acted under said authority. First responders reacting on scene should not be expected to maintain records of locations, times, or other details of their operations.

*2. Recovery Coordination:* The Independent Panel makes recommendations regarding coordination between and among various governmental and commercial entities.<sup>6</sup> It is critical that the electric, gas, pipeline and telephone utilities be included in such coordination efforts. In addition to being on the front line in the recovery efforts, downed power lines and broken transmission and distribution lines add to the effects of the disaster. Moreover, emergency operations centers and emergency response facilities rely on utilities for essential services such as power, internet connectivity via cable

---

<sup>5</sup> Pre-Positioning Recommendations at 1.b; NPRM at ¶ 9.

<sup>6</sup> Recommendations at Recovery Coordination 3; NPRM at ¶ 12.

systems and broadcast television to monitor media reports. Those suppliers must be involved from the onset of planning efforts in preparation for a coordinated disaster response effort.

The coordination plan and efforts must be conducted at the local level. In an emergency, those on the scene, who must and do take action, are best equipped to identify and to marshal the necessary resources. So too the maintenance (including updating) of all planning information, particularly including names/offices, telephone numbers, operating communications channels, etc., is best handled locally.

The Independent Panel further recommends that the Commission work with the Department of Homeland Security's National Communications System and others to promote the availability of various existing resources and that the FCC utilize its website for emergency coordination information, including contact information.<sup>7</sup> IMSA and IAFC wholeheartedly concur: such a centralized source of information is urgently needed. That web site should also contain instructions on who may use the available information, and how to use the information. The FCC's website is a logical repository for such information inasmuch as the FCC should be an easily remembered and identifiable location for communications information in emergency situations.

3. *First Responder Communications:* The Independent Panel makes several recommendations regarding pre-positioning equipment and facilitating first responder capabilities.<sup>8</sup> As set forth in the Critical Background Information above, and as reflected in the NPTSC comments, it is important to begin upgrading communications capabilities to deal with natural and other disasters by (i) assuring the greatest participation in the

---

<sup>7</sup> Recommendations at Recovery Coordination 4-7; NPRM at ¶ 14.

<sup>8</sup> Recommendations at First Responder 1-2; NPRM at ¶ 15.

interoperability network possible among the public safety community, and (ii) utilizing existing resources to the maximum extent possible until such time as all constituent agencies can be equipped with new equipment such as that which can operate in the 700 MHz band.

For public safety agencies, funding is a critical component. To go beyond maximizing the use of the installed systems, funding sources must be identified for such programs as establishing a cache of equipment (and testing, maintaining, etc. such equipment as discussed by NPSTC) and installing 700 MHz band systems. State and local agencies will need a funding source identified, and volunteer/call Fire and EMS agencies in particular will need to have funds provided in order to participate in these programs. Existing budgets do not have enough elastic to be stretched to accommodate such new requirements, and there always are equally important competing needs for funds.

The Independent Panel recommends that the NCC develop and maintain a database of state and local public safety system information. As discussed above, with regard to Recovery Coordination, efforts of this nature need to be conducted on the local, or at least the regional, level. When a disaster occurs, local public safety agencies need to coordinate with each other; and a centralized database will not facilitate that effort. Moreover, a centralized database likely will not be updated as effectively as would occur locally, since the local community will be invested in their resources, and will be reminded to update information as they inter-communicate on local and regional matters.

The Independent Panel recommends faithful adherence to the planned auctions to fully fund the interoperability network. For obvious reasons, IAFC and IMSA are in full



agreement. The promotion of interoperability, and the distribution of funds, however, should not be limited to 700 MHz. Strengthening the VHF and UHF communications capabilities also is vitally important. In 2000 the Commission reassigned 5 VHF channels and 4 UHF channel pairs from public safety operational communications to serve interoperability needs.<sup>9</sup> The 77% of Fire, EMS and other public safety agencies which operate systems in the VHF and UHF bands have the capability to activate these channels, if they have not done so already, by programming their radios to operate on these frequencies.

Immediate improvement in the capacity for disaster response communications can be realized through prompt and universal implementation of interoperability in the VHF and UHF frequency bands. The Commission also should take prompt action to make use of these interoperability channels more efficient. First, the Commission should publicize to all licensees having VHF and UHF band license authority the availability of these channels for interoperability and encourage installation and licensing for this purpose. In addition, secondary use, permitted in the rules adopted in 2000 as a transitional measure, should be eliminated. Finally, common rules for use should be established. At present, each licensee determines how to use the majority of the channels for interoperability, e.g., whether to utilize for routine inter-agency communications or to reserve for use in declared emergencies.<sup>10</sup> A universal protocol should be established and publicized to

---

<sup>9</sup> *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, 15 FCC Rcd 19844 at ¶¶ 82-90 (See 47 C.F.R. § 90.20 at notes 80 and 81).

<sup>10</sup> "Interoperability" is defined as a "communications link . . . which permits units from two or more different entities to interact with one another . . ." 47 C.F.R. § 90.7. Under the Public Safety Pool Frequency Table, only one of the channels/channel pairs in each band is designated for nationwide interoperability use (plus the UHF offset channels), as signified by limitations 82 and 83 at 47 C.F.R. § 90.20.

assure that all of these channels are intended and are available for use in cases of a declared emergency by all responding agencies.

Finally, IAFC and IMSA have grave reservations about the recommendation of the Independent Panel that the FCC urge that the "Fire Grant Act"<sup>11</sup> and other federal programs permit 9-1-1 commissions and others to apply for funding for 9-1-1 enhancements and communications enhancement/interoperability purposes. As previously noted, communications capability competes with other legitimate public needs within state and local governmental units and agency budgets. While the charge of the Independent Panel was to address the communications related to natural and other disaster response, that singular focus is not cause to divert funds from other programs, and particularly in light of the estimated \$1 billion in auction funds which will be directed to interoperability. The Commission should not be urging Congress to divert funds earmarked for other needs.

*4. Other matters:* The Commission invites commenting parties to address how the recommendations of the Independent Panel apply to all types of natural disasters as well as other types of incidents, and whether the recommendations are applicable broadly across America.<sup>12</sup> The foregoing comments have been framed in terms of addressing response to natural and other disasters generally, and not to the specific situation posed by Hurricane Katrina. "One-size-fits-all" is not a concept which applies to emergency response communications needs throughout the 54 states and territories and possessions of the United States. IMSA and IAFC have emphasized the need for local databases, local planning, and local management of emergency communications capabilities. A

---

<sup>11</sup> It is assumed the reference is to the Assistance to Firefighters Grant Program.

<sup>12</sup> Public Notice, DA 06-1524, 71 Fed. Reg. 43406 (Aug. 1, 2006).

broad national framework having flexibility for local and regional implementation will best serve the needs for the future.

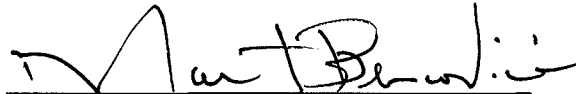
WHEREFORE, the premises considered, the International Association of Fire Chiefs, Inc., and the International Municipal Signal Association respectfully request the Federal Communications Commission to implement the recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks in accordance with these comments and those of the National Public Safety Telecommunications Council.

Respectfully submitted,  
**INTERNATIONAL ASSOCIATION OF FIRE  
CHIEFS, INC.**

**AND**

**INTERNATIONAL MUNICIPAL SIGNAL  
ASSOCIATION**

by

A handwritten signature in black ink, appearing to read "Martin W. Bercovici", is written over a horizontal line.

**Martin W. Bercovici  
Keller and Heckman LLP  
1001 G Street, NW  
Washington, D.C. 20001  
(202) 434-4100**

**Their Attorney**

August 7, 2006